

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHEMEON SURFACE TECHNOLOGY, LLC,
Plaintiff,

Case No. 3:15-CV-0294-MMD (VPC)

ORDER

v.

METALAST INTERNATIONAL, INC., et al.,
Defendants.

AND RELATED CLAIMS.

Before the court is the motion *in limine* of Marc Harris (“Harris”) to exclude evidence of undisclosed damages (ECF No. 231). Plaintiff/counter defendants, Chemeon Surface Technology, LLC, Dean S. Meiling, and Madylon Meiling (collectively, “Chemeon”) responded to the motion (ECF No. 247). Harris did not file a reply.

Harris argues that he never received a Fed. R. Civ. P. 26(a) disclosure from Chemeon, and because discovery has closed, he seeks to exclude evidence of undisclosed damages at trial. (ECF No. 231 at 2-3.) Rule 26(a)(1)(A)(iii) requires a party to provide “a computation of each category of damages claimed by the disclosing party.” FRCP 26(a) damages refer to compensatory damages. Chemeon concedes that they are not seeking compensatory damages from Harris, but rather permanent injunctive relief and attorneys’ fees. (ECF No. 247 at 4.) Accordingly, Harris’s motion to exclude evidence of undisclosed damages (ECF No. 231) is **DENIED**.

IT IS SO ORDERED.

DATED: April 7, 2017.


UNITED STATES MAGISTRATE JUDGE